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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 IN RE: UBER TECHNOLOGIES, INC.,  
9 PASSENGER SEXUAL ASSAULT  
10 LITIGATION

11 This Document Relates to:  
12 ALL CASES  
13

Case No. 23-md-03084-CRB

**AFFIDAVIT OF TIFFANY R. ELLIS IN  
SUPPORT OF PLAINTIFFS' LIST OF  
DISPUTED ENTRIES FOR SPECIAL  
MASTER REVIEW**

Judge: Honorable Barbara S. Jones

1 I, Tiffany R. Ellis, hereby declare as follows:

2 1. I am a partner of Peiffer Wolf Care Kane Conway & Wise, an attorney licensed in  
3 the States of Michigan and Illinois and duly admitted to practice before this Court, representing  
4 Plaintiffs in the above caption action.

5 2. I submit this declaration in support of Plaintiffs' List of Disputed Entries for  
6 Special Master Review on March 13, 2025.

7 3. Plaintiffs incorporate the Discovery Letter Brief Regarding Disputed Entries for  
8 Special Master Review filed by All Plaintiffs on March 4, 2025. *See* ECF No. 2434. Plaintiffs  
9 incorporate the brief to support the specific reasons each entry on the List of Disputed Entries  
10 was challenged. The Brief included the general background of the privilege dispute process to  
11 date, the legal standard for Plaintiffs raising challenges to Defendants' privilege log entries, and a  
12 general argument for the challenges Plaintiffs raised.

13 4. The List of Disputed Entries for Special Master Review Plaintiffs provided on  
14 March 13, 2025 contained entries still in dispute for three (3) custodians, Tracey Breeden, Abbie  
15 Ding, and Brooke Anderson.

16 5. The List of Disputed Entries for Special Master Review Plaintiffs provided on  
17 March 13, 2025 did not contain any entries for the three (3) custodians that overlapped with  
18 custodians of Chad Fogg, Cory Freivogel, Nairi Hourdajian, Kate Parker, David Richter, Megan  
19 Joyce, Jenny Luu, Pat Twomey, Kayla Whaling, Michael Sullivan, Gud Fuldner, or Dennis  
20 Cinelli. Those entries still in dispute were already submitted to the Special Master for review.

21 **Tracey Breeden**

22 6. Defendants included approximately 3,500 entries for Tracey Breeden across its  
23 Tranche 1, Tranche 2, Tranche 3, and Tranche 4 privilege logs.

24 7. Plaintiffs originally challenged approximately 1,537 of these 3,500 entries.

25 8. Plaintiffs later withdrew, prior to the re-review process subject to Master Order  
26 No. 2, approximately 229 challenges based on additional information provided by Uber,  
27 documents produced by Uber with redactions, or lessons learned from Judge Cisneros' privilege  
28 orders.

9. As of January 31, 2025<sup>1</sup>, Defendants withdrew their claim of privilege to 415 entries in full and 189 entries in part.

10. On March 3, 2025, Defendants provided Plaintiffs with a revised privilege log after Defendants re-reviewed Tracey Breeden's entries in dispute.

11. In total, after their re-review of the entries in dispute, Defendants withdrew their claim of privilege to 918 entries in full and 453 entries in part.

12. On March 10, 2025, Plaintiffs provided the Special Master and Defendants with a list of 186 entries still in dispute, including 73 entries for Tracey Breeden following a review of Uber's revised privilege log that included updated or additional information provided by Uber, documents produced with redactions, or lessons learned from Judge Cisneros' privilege orders.

13. The parties met and conferred on March 13, 2025 and, after the conferral, Plaintiffs provided the Special Master and Defendants with a list of 59 entries that remain in dispute for Tracey Breeden.

#### **Abbie Ding**

14. Defendants included approximately 109 entries for Abbie Ding across its Tranche 1, Tranche 2, Tranche 3, and Tranche 4 privilege logs.

15. Plaintiffs originally challenged approximately 50 of these 109 entries.

16. Plaintiffs did not withdraw any challenges prior to the re-review process subject to Master Order No. 2.

17. As of January 31, 2025, Defendants withdrew their claim of privilege to 4 entries in full and no entries in part.

18. On March 6, 2025, Defendants provided Plaintiffs with a revised privilege log after Defendants re-reviewed Abbie Ding's entries in dispute.

19. In total, after their re-review of the entries in dispute, Defendants withdrew their claim of privilege to 14 entries in full and 4 entries in part.

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<sup>1</sup> Defendants provided Plaintiffs a revised privilege log on January 31, 2025. This was the last revised privilege log Defendants provided before they started providing revised privilege logs in accordance with the Master Order No. 2. See ECF No. 2357.

1           20.     On March 11, 2025, Plaintiffs provided the Special Master and Defendants a list  
2 of 148 entries still in dispute including 28 entries for Abbie Ding following a review of Uber's  
3 revised privilege log that included updated or additional information provided, documents  
4 produced with redactions, or lessons learned from Judge Cisneros' privilege orders.

5           21.     The Parties met and conferred on March 13, 2025 and, after the conferral,  
6 Plaintiffs provided the Special Master and Defendants a list of 28 entries that remain in dispute  
7 for Abbie Ding.

8           **Brooke Anderson**

9           22.     Defendants included approximately 3,991 entries for Brooke Anderson across its  
10 Tranche 1, Tranche 2, Tranche 3, and Tranche 4 privilege logs.

11          23.     Plaintiffs originally challenged approximately 2,208 of these 3,991 entries.

12          24.     Plaintiffs later withdrew, prior to the re-review process subject to Master Order  
13 No. 2, approximately 358 challenges based on additional information provided by Uber,  
14 documents produced with redactions, or lessons learned from Judge Cisneros' privilege orders.

15          25.     As of January 31, 2025, Defendants withdrew their claim of privilege to 442  
16 entries in full and 330 entries in part.

17          26.     On March 11, 2025, Defendants provided Plaintiffs with a revised privilege log  
18 after they re-reviewed Brooke Anderson's entries in dispute.

19          27.     In total, after their re-review of the entries in dispute, Defendants withdrew their  
20 claim of privilege to 1,078 entries in full and 736 entries in part.

21          28.     On March 3, 2025, Plaintiffs provided the Special Master and Defendants with a  
22 list of entries still in dispute including 120 entries for Brooke Anderson following a review  
23 Uber's revised privilege log that included updated or additional information provided, documents  
24 produced with redactions, or lessons learned from Judge Cisneros' privilege orders.

25          29.     The parties met and conferred on March 13, 2025 and, after the conferral,  
26 Plaintiffs provided the Special Master and Defendants with a list of entries that remain in dispute,  
27 including 99 entries for Brooke Anderson.  
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1 Executed this 17<sup>th</sup> day of March, 2025 in Detroit, Michigan.  
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3 /s/ Tiffany R. Ellis

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